Port State Control Examination

Assuring compliance with ISPS and MTSA.

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Congress mandated the original Port State Control program in the 1994 Department of Transportation Appropriations Bill. This bill required the Coast Guard to change its approach to foreign vessel examinations and hold those most responsible for substandard ships accountable, including owners, classification societies, and flag states.

Prior to September 11, 2001, the Coast Guard's Port State Control program was increasingly successful in reducing substandard shipping through the stringent enforcement of regulations pertaining to vessel safety and protection of the environment. After the terrorist attacks of 9/11, it became imperative for the Coast Guard to identify and mitigate threats in the maritime transportation infrastructure. The Coast Guard, in its traditional role as the lead federal agency for maritime transportation security, worked closely with the International Maritime Organization (IMO) to develop the International Ship and Port Facility Security (ISPS) Code.

The ISPS Code requires every vessel over 500 gross tons on international voyages, as well as facilities worldwide, to implement preventative measures to protect against security incidents. It also designates roles and responsibilities in the marine industry to ensure maritime security.

In addition to adopting the provisions contained in the

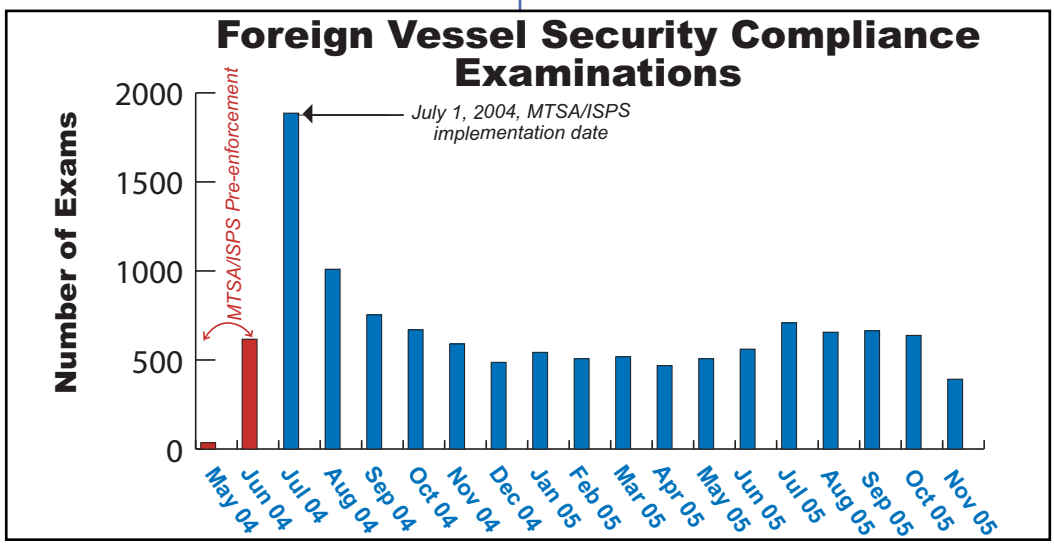

Figure 1: Foreign vessel security compliance examinations from May 2004 to November 2005.

ISPS Code, Congress passed the Maritime Transportation Security Act (MTSA) of 2002. MTSA requires commercial vessels over 300 gross tons on international voyages and U.S. facilities to conduct comprehensive security assessments, develop and implement security measures, and carry out operations in accordance with an approved security plan. MTSA applies to vessels, structures, and facilities located in, on, under, or adjacent to U.S. waters. The creation of MTSA and the ISPS Code required the Coast Guard's Port State Control program to expand significantly.

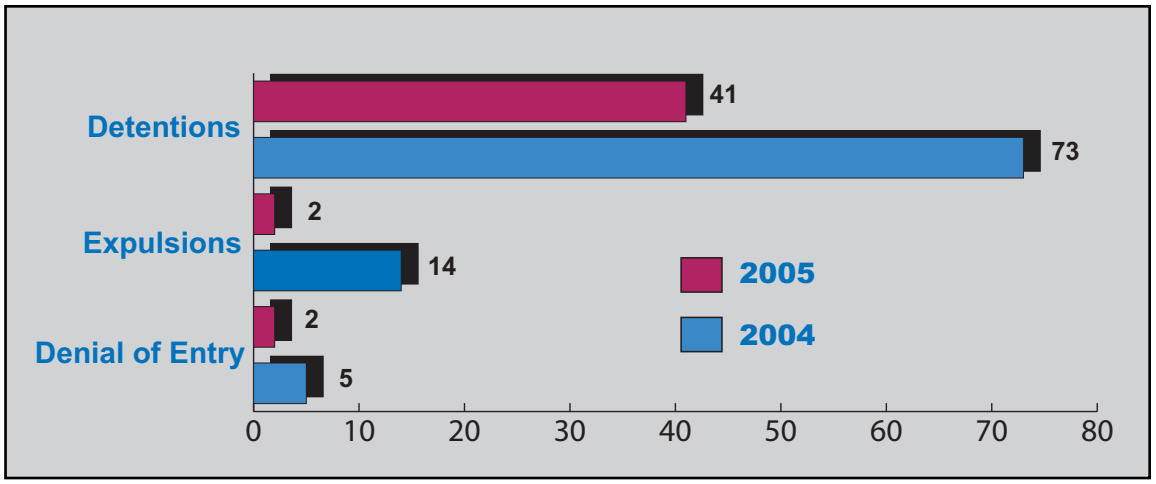

Figure 2: Foreign vessel major security control actions from 2004 and 2005.

The Coast Guard Port State Control program met this challenge by seamlessly integrating the enforcement elements of the new security standards with the traditional marine safety legacy missions of enforcing safety and environmental compliance standards. In the spring of 2004, the Coast Guard implemented an ISPS/MTSA pre-enforcement campaign that prepared the marine industry for complying with the new requirements before the July 1, 2004, deadline.

The pre-enforcement campaign also provided Coast Guard Port State Control officers with an opportunity to work in cooperation with industry to ensure their preparation. During the pre-enforcement campaign, inspectors verified the implementation of security programs onboard foreign vessels. If inspectors found a foreign vessel not yet in compliance with one or more aspects of the ISPS Code, the inspector issued deficiencies to the vessel, but did not impose a major control action. The inspector then entered this information into the Coast Guard's Marine Information for Safety and Law Enforcement (MISLE) database.

Since July 1, 2004, the enforcement of the ISPS Code and MTSA regulations have been integrated into the daily Port State Control activities throughout the Coast Guard (Figure 1). On a typical day, Coast Guard Port State Control teams carry out 25 ISPS security inspections.

The Targeting Matrix

The Port State Control program uses a risk-based tool, or matrix, to identify a foreign vessel for a security or safety examination. The matrix provides two benefits: First, targeting allows the Coast Guard to use its resources more effectively. Since more than 7,600 foreign vessels make over 60,000 U.S. port calls each year, the Coast Guard needs to use its resources wisely and focus inspections on foreign vessels with a history of poor performance. Vessels associated with a poorly performing flag state, owner, operator, or charterer or calling upon the United States from a country with poor ISPS compliance will likely get inspected. Using the matrix also benefits well-managed vessels. Those vessels receive less frequent examinations.

The targeting matrix, available on the Coast Guard Port State Control Website, www.uscg.mil/hq/g-m/pscweb/Publication.htm, provides the maritime industry with an incentive to maintain effective security and safety programs onboard their vessels. When the maritime shipping community does not implement effective security and safety programs, they risk delaying their vessels and incurring huge unexpected costs due to a Coast Guard imposed major control action.

The ISPS/MTSA Security Compliance Matrix contains five elements. Each element provides a score based on the risk factors due to ship management, flag state, the recognized security organization, security compliance history, and last ports of call. Once scores are determined for each of the five elements, the Coast Guard Captain of the Port adds them together to generate an overall total score for a particular vessel.

2004-2005 ISPS/MTSA Compliance

The Coast Guard attributes the successful implementation of the ISPS Code in the United States to the maritime industry's advance preparation and the

ISPS Code cite	Description of area of noncompliance	Number of enforcement actions taken	
		2004	2005
ISPS Code, Part A Section 7.2.2	Access Control	62	33
ISPS Code, Part A Section 7.2.4	Restricted Areas	48	20
ISPS Code, Part A Section 12.2	Ship Security Officer	37	9
ISPS Code, Part A Section 9.4	Ship Security Plan	21	10
ISPS Code, Part A Section 13	Training	13	5
ISPS Code, Part A Section 10.1	Logs/Records	11	5
ISPS Code, Part A, Section 7.2.7	Communications	7	2
ISPS Code, Part A Section 7.2.2	Screening Process	6	0
ISPS Code, Part A	Other (ISPS/Security Related Deficiencies)	6	2
ISPS Code, Part A Section 13.3	Shipboard Personnel	5	1
ISPS Code, Part A Section 13.4	Drills	3	3
ISPS Code, Part A Section 5	Declaration of Security	2	0
ISPS Code, Part A Section 9.4.12	Reporting Security Incidents	2	0
SOLAS, Chapter XI-1 Regulation 5	Continuous Synopsis Record	1	0
ISPS Code, Part A Section 9.4.4	Response Procedures	1	0
ISPS Code, Part A Section 9.4.6	Evacuation Procedures	1	0
ISPS Code, Part A Section 7.1	Vessel Security Level	1	1
TOTAL		**227**	**91**

Table 1: Leading causes of vessel detentions in 2004 and 2005, due to ISPS noncompliance.

Coast Guard's pre-enforcement campaign. After the ISPS Code took effect in July 2004, major control actions, detentions, and expulsions by the Coast Guard were much lower than expected (Figure 2). By the end of 2004, the overall percentage of major control actions was 1.5 percent. The current data from January to November 2005 show that this trend will continue and that this percentage will drop even lower. The Coast Guard will publish final results for 2005 in the Port State Control Annual Report, available in early 2006 on the Port State Control Website at www.uscg.mil/hq/g-m/pscweb/Publication.htm.

Major Control Action of Vessels

The two most commonly found ISPS deficiencies leading to vessel detention include a vessel's failure to meet restricted area requirements and maintain access control measures at the vessel point of embarkation (Table 1). In many of these cases, Coast Guard personnel walked freely into ISPS-designated restricted areas without crewmember escort or challenge.

The Coast Guard also identified crew and vessel security officer training shortfalls as another leading cause of vessel detentions. In most cases, vessel operators changed out personnel or quickly conducted emergency ship security officer (SSO) training sessions to meet the minimum levels required.

Wide ranging ship security plan (SSP) non-conformities also lead to many detentions. Some of the most common problems included missing required recognized security organization audits, improper safeguarding of the SSP, mismatches between SSP details and actual shipboard procedures, and inadequate procedures to handle security incidents.

Conclusion

The international maritime community, including the shipping industry and port facility stakeholders, should be congratulated for successfully taking on the huge challenge of implementing the security measures required by the ISPS Code and MTSA. Not only was the rate of compliance much higher than expected during the first few months of implementation, but all trends indicate increasing compliance rates. Ship operators who use the plan will protect the U.S. maritime infrastructure from terrorist attacks and other illegal activity.

About the authors: *LT Ryan Allain and LT Craig Toomey are both Port State Control Specialists in the Office of Vessel Activities, Foreign & Offshore Vessels Division, at U.S. Coast Guard Headquarters. LT Allain has served in the marine safety program for over seven years and was most recently stationed at Marine Safety Detachment Fort Myers, Fla., for three years, where he served as the supervisor. LT Toomey served on the CG Cutter* Spencer *for two years as a Deck Watch Officer and Assistant Navigator and has served in staff positions in Human Resources, Information Technology, and Marine Safety at Coast Guard Headquarters. LT Toomey was most recently activated from the Reserves under Title 10 to work with the Maritime Transportation Security Act Implementation Team.*

The Coast Guard welcomes comments on its programs. We frequently meet with vessel operators, flag state representatives, and classification societies to discuss matters of safety and security. We welcome your comments or would be happy to meet with you.

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